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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,632

09/23/2003

Seung June Yi

2101-3054

2199

35884

7590

02/19/2009

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EXAMINER

WONG, BLANCHE

ART UNIT

PAPER NUMBER

2419

NOTIFICATION DATE

DELIVERY MODE

02/19/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/668,632	YI ET AL.	
	Examiner	Art Unit	
	Blanche Wong	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>Jan21'09</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 13-15,17-26,29-31,34-36,39-41 have been considered but are moot in view of the new ground(s) of rejection.

Claims 13-15,17-26,29-31,34-36,39-41 are canceled and new claims 45-62 are added.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the network comprising a CRNC comprising a RLC layer and a MAC layer, a base station comprising a PHY layer, wherein the PHY layer comprises a first downlink physical channel and a second downlink physical channel, wherein the second downlink physical channel comprises a TFCI field and a pilot field (claim 45); the terminal comprising a PHY layer, a MAC layer, a RLC layer wherein the data and control information are transmitted from a network comprising a CRMC and a base station, wherein the CRNC comprises a RLC layer of the network and a MAC layer of the network, and the base station comprises a PHY layer of the network (claim 55) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Objections

3. Claims 45,53,55 are objected to because of the following informalities:

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With regard to claims 45 and 55, Examiner suggests replacing “TCFI (Transport Format Combination Indicator)” with “Transport Format Combination Indicator (TCFI)”.

With regard to claim 45, Examiner suggests replacing “the physical layer” with “the PHY layer” after the first “a physical (PHY) layer” in line 6.

With regard to claim 53, Examiner suggests replacing “the data is transferred to the MAC layer” in lines 1-2 with “the data is transferred from the RLC layer to the MAC layer” for clarity.

With regard to claim 55, Examiner suggests replacing “transfer the received data” in line 6 with “transfer the received data to a RLC layer” for clarity or remove it because line 7 recites “a RLC layer ... receive the data from the MAC layer”.

With regard to claim 55, Examiner suggests removing the word “received” from “the received data” in line 7.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claims 45-62** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

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one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The new matter includes in claim 45, the network comprising a CRNC comprising a RLC layer and a MAC layer, a base station comprising a PHY layer, wherein the PHY layer comprises a first downlink physical channel and a second downlink physical channel, wherein the second downlink physical channel comprises a TFCI field and a pilot field; and in claim 55, the terminal comprising a PHY layer, a MAC layer, a RLC layer wherein the data and control information are transmitted from a network comprising a CRMC and a base station, wherein the CRNC comprises a RLC layer of the network and a MAC layer of the network, and the base station comprises a PHY layer of the network.

Although Applicant “respectfully submitted that the new claims have support in the application”, support was unfound in the Specification. The new claims are very different from the original claims filed and Applicant provided no support within the Specification except for a statement of such.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 45-62** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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With regard to claim 45, it is unclear where are the limitations because there are "A network comprising" in line 1 and "the network comprising" in line 2.

With regard to claim 45, it is unclear how the network of claim 45 provides a MBMS service as recited in line 2 because per Specification, p.18, lines 18-23, "MBMS refers to a downlink transmission service for providing data services ... to a plurality of terminals by employing a common downlink channel" and the network of claim 45 does not recite any common downlink channel.

With regard to claim 55, whether the layers of the terminal comprising the PHY layer, the MAC layer, the RLC layer, are different from a RLC layer of the network, a MAC layer of the network, and a PHY layer of the network in lines 14-15.

Allowable Subject Matter

8. Claims 45 and 55 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. Claims 45-54 and 56-62 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claim 45, the prior art of record fails to anticipate or make obvious a network providing a MBMS service comprising: a CRNC comprising a RLC layer and

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the MAC layer and a base station comprising a PHY layer, wherein the received data is transferred directly from the RLC layer to the second MAC sub-layer handling a common or shared transport channel, wherein the data is MBMS data, wherein the RLC layer operates in a non-responsive mode, and wherein a second downlink physical channel in the PHY layer comprises a TFCI field and a Pilot field to transmit the control information.

With regard to claim 55, the prior art of record fails to anticipate or make obvious a terminal receiving MBMS service comprising: a PHY layer ... a MAC layer ... a RLC layer, wherein the PHY layer is further configured to receive TFCI information and pilot information via the second downlink physical channel, wherein the data and the control information are transmitted from a network comprising a CRNC and a base station, wherein the CRNC comprises a RLC layer of the network and a MAC layer of the network, and the base station comprises a PHY layer of the network, wherein the data is transferred directly from the RLC layer of the network to a second MAC sub-layer, wherein the data is MBMS data, and wherein the RLC layer of the network operates in a non-responsive mode.

Terry (U.S. Pat No. 7,180,885) teaches a terminal receiving MBMS while Terry (U.S. Pat No. 7,212,824) teaches a network sending MBMS. '824 teaches a first and second MAC sub-layers (in band, out of band, col. 2, lines 16 and 17), a first and second downlink physical channel (dedicated and common DSCH, col. 4, lines 29-30),

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and a header (a unique identifier, col. 3, line 57). '885 is a terminal receiving the MBMS sent from the network of '824. Neither teaches all the limitations as recited in claims 45 and 55.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blanche Wong/

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Examiner, Art Unit 2419

February 6, 2009

/Edan Orgad/

Supervisory Patent Examiner, Art Unit 2419